



DEPARTMENT OF COMMERCE AND INSURANCE

P.O. Box 690, Jefferson City, Mo. 65102-0690

IN RE:)
)
DAVID A. BARTLETT,) **Case No. 2203040309C**
)
Applicant.)

ORDER REFUSING TO ISSUE RESIDENT INSURANCE PRODUCER LICENSE

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance, takes up this matter for consideration and disposition. After reviewing the Petition, the Investigative Report, and other relevant documents, the Director issues these findings of fact, conclusions of law, and order:

FINDINGS OF FACTS

1. David A. Bartlett (“Bartlett”) is a resident of Missouri with a reported residential, business and mailing address of 450 E. Springfield Road, Lot 23, Sullivan, Missouri 63080. His reported business and individual email address is davefreedom44@gmail.com
2. On October 20, 2021, the Department of Commerce and Insurance (“Department”) received an electronic application for a resident insurance producer license (“Application”) from Bartlett.
3. Background Question No. 1.B. on his Application states:

Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony? You may exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court.)

4. Bartlett answered “Yes” to Background Question No. 1B on his Application and provided certain documents to the Department.
5. The documents Bartlett provided showed that on December 19, 2002, Bartlett was found guilty of Assault, 2nd Degree, a Class C Felony, and sentenced to the custody of the Missouri Department of Corrections for a period of seven years. *State v. David A. Bartlett*, St. Charles Cty., Case No. 02CR129393-01. The documents also showed that Bartlett was charged with Domestic Abuse, a Class C Felony, in violation of § 565.073¹ (Count 1); Felonious Restraint, a Class C Felony, in violation of § 565.120 (Count 2); Forcible Rape, an Unclassified Felony, in violation of § 566.030 (Count 3); and Forcible Sodomy, an Unclassified Felony, in violation of § 566.060 (Count 4), all arising out of an incident that took place on January 27, 2012. The documents further showed that on March 18, 2013, the St. Charles County Circuit Court sentenced Bartlett to the custody of the Department of Corrections for a period of seven years on Count 1, to run consecutively² with Count 2 and the sentence in Case No. 0711-CR00076-01. The court also sentenced Bartlett to a period of seven years on Count 2 to run concurrently with the sentences on Count 1 and in Case No. 0711-CR00076-01. Finally, the documents provided by Bartlett showed that the state disposed of Counts 3 and 4 by nolle prosequi. *State v. David A. Bartlett*, St. Charles Cty. Cir. Ct., Case No. 1211-CR 01955-01.
6. Because Bartlett disclosed that he had been convicted of a felony, the Department’s Consumer Affairs Division (“Division”) conducted an investigation of Bartlett’s Application.
7. On October 26, 2021, Karen Crutchfield (“Crutchfield”), one of the Division’s Special Investigators, received a telephone call from Bartlett and sent him a follow up email. Crutchfield’s investigation had revealed that, in addition to the three felony convictions, Bartlett had a state tax lien and a fourth felony conviction, for criminal nonsupport. *State v. David A. Bartlett*, St. Charles Cty. Cir. Ct., Case No. 1011-MC04195 and *State v. David A. Bartlett*, St. Charles Cty. Cir. Ct., Case No. 0711-CR00076-01. Among other things, the email explained that if Bartlett wished to proceed with the application process, Bartlett needed to provide certified copies of certain documents from his felony cases, information concerning the status of any efforts to re-pay his state taxes and information about the status of his child support obligations.
8. Background Question No. 4 asks:

¹ All citations to the criminal statutes are to the versions of the Revised Statutes of Missouri that were in effect at the time of the criminal act. All other citations are to the Revised Statutes of Missouri 2016, unless otherwise noted.

² On or about March 25, 2013, the sentence was corrected to provide that the sentence on Count 1 would run concurrently with the sentences handed down on Count 2 and in Case No. 0711-CR00076-01.

Have you been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement? If you answer yes, identify the jurisdiction(s).

9. Bartlett answered “No” to Background Question No. 4.
10. The Application included an Attestation Section, which provided in pertinent part:

I hereby certify that, under penalty of perjury, all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with the application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.
11. Bartlett answered “Yes” to the Attestation Section on his Application, certifying that the Application was complete and accurate.
12. Although Bartlett responded to Crutchfield’s email stating that he was in the process of obtaining the documents and information she had requested, Bartlett never provided anything in response.
13. As a result of Bartlett’s failure to provide the documents and information she requested, Crutchfield asked for and obtained certified copies of documents from Bartlett’s criminal cases from the St. Charles County Circuit Court. Those documents revealed that on October 11, 2002, the Prosecuting Attorney for St. Charles County charged Bartlett with Assault in the First Degree, in violation of § 565.050, a Class A felony (Count 1), and Armed Criminal Action, in violation of § 571.015, a felony (Count 2), all as a result of the incident that occurred on August 17, 2002, when Bartlett struck an individual on the head multiple times with a hammer, fracturing the victim’s nasal bone and causing multiple lacerations to his head requiring a total of thirteen staples to close. On December 19, 2002, Bartlett pled guilty to Assault in the Second Degree, a Class C felony, and was sentenced to seven years in the custody of the Missouri Department of Corrections. *State v. David A. Bartlett*, St. Charles Cty., Case No. 02CR129393-01.
14. The certified copies of the documents Crutchfield obtained further documented that on December 6, 2006, the St. Charles County Prosecutor charged Bartlett with Criminal Nonsupport, in violation of § 568.040.4, a Class D felony. Bartlett was sentenced to five years, with imposition of the sentence suspended. The court then placed Bartlett on probation and ordered him to, among other conditions of his probation, pay child support. On August 23, 2010, the St. Charles County Circuit Court found that Bartlett had violated his probation (due to his failure to pay

support), ordered his probation revoked, sentenced him to four years, suspended execution of the sentence and placed him on probation for a period of three years. Then on April 25, 2013, the court again found that Bartlett had violated his probation (due to his failure to pay support), revoked his probation and sentenced him to be confined for a period of four years in the custody of the Missouri Department of Corrections. *State v. David A. Bartlett*, St. Charles Cty. Cir. Ct., Case No. 0711-CR00076-01.

15. Finally, the certified copies of the court records showed that on June 15, 2012, the St. Charles County Prosecutor charged Bartlett with Domestic Assault in the Second Degree in violation of § 565.073, a Class C felony (Count 1); Felonious Restraint, in violation of § 565.120, a Class C felony (Count 2); Forcible Rape in violation of § 566.030, a felony (Count 3); and Forcible Sodomy in violation of § 566.060, a felony (Count 4). The charges stemmed from an incident that occurred on January 27, 2012, when Bartlett strangled a woman with whom he was living and in a romantic relationship and whom he restrained by the use of force. On March 18, 2013, the St. Charles County Circuit Court found Bartlett guilty on Counts 1 and 2 based on Bartlett's guilty plea and sentenced him to a term of confinement of seven years in the custody of the Missouri Department of Corrections.³ As noted above in paragraph 5, the state disposed of Counts 3 and 4 by nolle prosequi. *State v. David A. Bartlett*, St. Charles Cty. Cir. Ct., Case No. 1211-CR 01955-01.
16. Crutchfield also obtained a certificate of tax lien-individual income tax filed October 8, 2010 with the St. Charles County Recorder of Deeds and in the St. Charles County Circuit Court. On January 26, 2022, the Missouri Department of Revenue filed a Notice of Full Satisfaction of Tax Lien and the Full Satisfaction of Tax Lien in the St. Charles County Circuit Court stating that the tax lien had been satisfied and was discharged in full. *State v. David A. Bartlett*, St. Charles Cty. Cir. Ct., Case No. 1011-MC04195.

CONCLUSIONS OF LAW

17. Section 375.141 states, in relevant part:
 1. The director may suspend, revoke, refuse to issue or refuse to renew an insurance producer license for any one or more of the following causes:
 - (1) Intentionally providing materially incorrect, misleading, incomplete or untrue information in the license application;

³ Bartlett's four year sentence in *State v. David A. Bartlett*, St. Charles Cty. Cir. Ct., Case No. 0711-CR00076-01 was to be served concurrently with the two concurrent seven year sentences in *State v. David A. Bartlett*, St. Charles Cty. Cir. Ct., Case No. 1211-CR 01955-01.

(3) Obtaining or attempting to obtain a license through material misrepresentation or fraud;

(6) Having been convicted of a felony or crime involving moral turpitude[.].

18. The Director may refuse to issue Bartlett a resident insurance producer license pursuant to § 375.141.1(1) because he failed to disclose that he had a tax lien and a fourth felony conviction (for criminal nonsupport). *State v. David A. Bartlett*, St. Charles Cty. Cir. Ct., Case No. 1011-MC04195 and *State v. David A. Bartlett*, St. Charles Cty. Cir. Ct., Case No. 0711-CR00076-01.
19. Each failure to disclose constitutes a separate ground for discipline.
20. The Director may refuse to issue Bartlett a resident insurance producer license pursuant to § 375.141.1(3) because he attempted to obtain a license through a material misrepresentation. Bartlett failed to disclose that he had a fourth felony conviction (for criminal nonsupport). Furthermore, he answered “No” to Background Question No. 4 on his Application despite the fact that he had a tax lien filed against him in the Circuit Court of St. Charles County in an effort to avoid a refusal. It is inferable, based on the facts, that Bartlett did not disclose his fourth felony conviction and tax lien in order to induce the Director to grant him a license, and I hereby make that finding. *Id.*
21. The Director may refuse to issue Bartlett a resident insurance producer license pursuant to § 375.141.1(6) because Bartlett has been convicted of four felonies. *State v. David A. Bartlett*, St. Charles Cty., Case No. 02CR129393-01, *State v. David A. Bartlett*, St. Charles Cty. Cir. Ct., Case No. 1211-CR 01955-01 and *State v. David A. Bartlett*, St. Charles Cty. Cir. Ct., Case No. 0711-CR00076-01.
22. Each felony conviction constitutes separate grounds for discipline.
23. The Director may refuse to issue Bartlett a resident insurance producer license pursuant to § 375.141.1(6) because he has been convicted of crimes involving moral turpitude. Bartlett was convicted of Second Degree Assault, a felony and a crime involving moral turpitude. *State v. David A. Bartlett*, St. Charles Cty., Case No. 02CR129393-01. *See Eaton v. Missouri Real Estate Comm’n*, No. 15-1388RE (Mo. Admin. Hrg. Comm’n August 4, 2016) (finding that the crime of “assault” is a crime involving moral turpitude.) Bartlett was convicted of domestic assault, a felony, and felonious restraint, a felony, which are both crimes involving moral turpitude. *State v. David A. Bartlett*, St. Charles Cty. Cir. Ct., Case No. 1211-CR 01955-01. *See Department of Health & Senior Services v. Audsley*, Case No. 13-0986DH (Mo. Admin. Hrg. Comm’n November 5, 2013) (holding domestic assault is a crime

involving moral turpitude based on the facts of the case). *See also State Board of Nursing v. Crowder*, Case No. 96-002608BN (Mo. Admin. Hrg. Comm'n May 29, 1997) (holding that because violence was an essential element of felonious restraint, it was a crime involving moral turpitude.) And finally, Bartlett was convicted of felony criminal nonsupport (and had his probation in the case revoked twice). *State v. David A. Bartlett*, St. Charles Cty. Cir. Ct., Case No. 0711-CR00076-01. Felony criminal nonsupport (particularly under the facts of this case) is a crime involving moral turpitude. *See State Board of Embalmers v. Watkins*, Case No. 02-1304 (Mo. Admin. Hrg. Comm'n August 21, 2003) (deciding that support of one's child is a moral obligation and a basic duty one owes to the child and as a member of society.)

24. Each conviction for a crime involving moral turpitude constitutes separate grounds for discipline.
25. Accordingly, and for all of the reasons given in this Petition, the Director has considered Bartlett's history and all of the circumstances surrounding Bartlett's Application and is exercising her discretion to refuse Bartlett's Application for an insurance producer license.
26. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the insurance producer license application of **David A. Bartlett** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 17th **DAY OF** AUGUST, 2022.



Chlora Lindley-Myers
CHLORA LINDLEY-MYERS
DIRECTOR

NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send your complaint by registered or certified mail, it will not be considered filed until the Administrative Hearing Commission receives it.

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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of August 2022, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by United States Parcel Service, signature required, at the following address:

David A. Bartlett
450 E. Springfield Road
Lot 23
Sullivan, Missouri 63080

Tracking No. 1Z0R15W84295983051



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